

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

STATE OF NEW MEXICO

NONDISCRIMINATION

This Division has received assurance from the Licensure Division of the State Health Agency that currently approved methods of administration under the civil rights requirements are on file in the Regional Office.

State: <u>N.M.</u>	Date: <u>4/24/85</u>	Page: <u>73</u> of <u>30</u>
File (Name): _____		
Observed (Date): _____		
Observed (Other): _____		

METHODS OF ADMINISTRATION
FOR IMPLEMENTATION OF CIVIL RIGHTS. STATEMENT OF COMPLIANCE

The Health and Social Services Department (hereafter referred to as the Agency) will administer all programs and will conduct its business, (either directly, indirectly or through contractual or other arrangements) in accordance with Title VI of the Civil Rights Act of 1964, as amended, (42 U.S.C. 2000d et seq.), 45 CFR Part 80 (The Regulation) as amended, and the Agency's Statement of Compliance relating thereto. The Agency also agrees to take affirmative action to overcome the effects of conditions which have resulted in limiting participation by persons of a particular race, color, or national origin; and agrees to ensure that neither it nor its subdivisions will deny any person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program. The Agency agrees that in determining the site or location of a facility it will not make selections with the effect of excluding individuals from, or denying them the benefits of, or subjecting them to discrimination under any programs to which Title VI applies.

The Agency will collect and maintain racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in its programs. Considerations of privacy or confidentiality will not be used as a bar to providing access by the Office for Civil Rights to records or data.

The Agency will take the following actions to implement Title VI of the Civil Rights Act of 1964:

1. Documentation of the Agency as Designated Agency for Receipt of Federal Funds.

The Agency will attach documentation to show that it is the designated agency to receive Federal funds for SRS programs, including an organization chart indicating the departments and subsidiaries of the Agency. Any change in this organization will be communicated immediately to the DHEW Office for Civil Rights.

II. Civil Rights Coordinator - Designation and Responsibilities

The Agency will designate an executive as Civil Rights Coordinator who is a person knowledgeable of and sensitive to the problems of women and minority groups. Depending on the size and geographical alignment of the Agency this may be the Coordinator's sole responsibility. The Coordinator will be given top management support. The Coordinator's identity will appear on all internal and external communications on the Agency's Equal Opportunity Programs.

The Coordinator's responsibilities will include but not necessarily be limited to:

- A. Developing policy statements, affirmative action programs, internal and external communication techniques.
- B. Assisting in the identification of civil rights problem areas and in establishing goals and objectives for their

resolution.

- C. Assisting line management in resolving civil rights problems.
- D. Designing and implementing audit and reporting systems that will:
 - 1. Measure effectiveness of the Agency's programs in serving minorities.
 - 2. Identify need for remedial action.
 - 3. Determine the degree to which the Agency's goals and objectives have been attained.
- E. Monitoring the development and maintenance of records required for compliance with Title VI and making written quarterly evaluation reports to the Agency Head.
- F. Serving as Liason between the Agency and the Dept. Office for Civil Rights (enforcement agency).
- G. Serving as Liason between the Agency and minority organizations, women's organizations and community action groups concerned with employment opportunities of minorities and women, and community service programs.
- H. Keeping management informed of latest developments in the entire equal opportunity area.

- I. Periodically auditing training programs and hiring and promotion patterns to remove impediments to the attainment of program goals and objectives.
- J. Holding regular discussions with local managers, supervisors and employees to be certain the Agency's policies are being followed.
- K. Reviewing of the qualifications of all employees to insure that minorities and women are given full opportunities for transfers and promotions.
- L. Providing career counseling for all employees.
- M. Periodically auditing randomly selected locations used by the Agency to insure that:
 - 1. Posters are properly displayed.
 - 2. All facilities, including agency housing, which the Agency maintains for the use and benefit of its employees, are in fact desegregated, both in policy and use.
 - 3. Minority and female employees are afforded a full opportunity and are encouraged to participate in all Agency sponsored educational, training, recreational and social activities.
- N. Informing all personnel that their work performance is being evaluated on the basis of their equal opportunity efforts and results, as well as other criteria.

- O. Informing supervisors of their responsibility to take actions to prevent harassment of employees placed through affirmative action efforts.
 - P. Directing the investigation of civil rights complaints received by the Agency.
 - Q. Monitoring the periodic reviews of the operations of the Agency and of the Agency's contractors, sub-agencies or vendors.
 - R. Monitoring and reporting to the Agency Head the implementation of these Methods of Administration.
- III. Instruction to Staff concerning Staff Obligations Under the Act, Regulation, and Statement of Compliance Filed by the Agency
 - A. Copies of the following documents will be made available to every staff member:
 - 1. Title VI of the Civil Rights Act (42 U.S.C. 2000d et seq.)
 - 2. The Regulation (45 CFR 80).
 - 3. Statement of Compliance and Methods of Administration filed by the Agency.
 - B. All employees will be notified by memorandum of any policy changes, pressing problems or other matters concerning the Civil Rights Act as soon as this information becomes available to the appropriate officials in charge.
 - C. At least once annually all employees of each subdivision of the Agency will be engaged in training to include the discussion of new policies, current problems and other matters.

relating to compliance with the Civil Rights Act. All new employees will be engaged in training to include discussion of the requirements of the Civil Rights Act and the policies of the Agency pertaining thereto.

IV. Notification to Clients, Participants, Potential Clients and Participants, and the General Public.

A. The Agency will inform clients, participants, potential clients and participants, and the general public that all services, financial aid, and all other benefits under its program are provided on a nondiscriminatory basis as required by the Civil Rights Act. In addition, all of the above will be notified of their right to file a complaint with the Agency or with the DHEW Office for Civil Rights or both if it is believed that discrimination on the ground of race, color or national origin is being practiced. It will also be indicated that the identity of complainants will be kept confidential except to the extent necessary to the conduct of any investigation, hearing or judicial proceeding. Methods by which clients, participants, potential clients and participants, and the general public will be notified of the above may include but not be limited to:

1. Written notice on all application and admission forms.
2. An appropriate explanatory statement in all brochures and pamphlets concerning the Agency which are distributed to the public.
3. News releases in papers appearing in all areas served by the Agency.

4. News releases to radio and television stations serving these areas.
 5. Posters to be placed on all bulletin boards and in other prominent places where they may be seen by the public indicating the civil rights compliance policy of the Agency and the complaint procedure that is available to anyone believing that discrimination is being practiced.
- B. Copies of all documents used to inform clients, participants, potential clients and participants, and the general public will be maintained in the records of the Agency for review by appropriate DHEW officials.
- V. Notification to the Agency's Contractors, sub-grantees, and other Vendors.
- A. All those with whom the Agency makes contractual or other arrangements for the delivery of program services to its clients will be informed that their compliance with the Act, Regulation and Statement of Compliance is a condition of their initial or continued participation in any part of the program in which they may be involved. The above will be accomplished in the following manner:
 1. Memorandum or letter will be sent to each informing them of the requirements of Title VI, the Regulation, and the Agency's Statement of Compliance, or
 2. A requirement will be included in each written authorization of the Agency for the purchase of services that the services

must be rendered without regard to race, color or national origin.

VI. Complaint procedure.

The following procedure will be utilized in the receipt, investigation and resolution of all complaints concerning discrimination because of race, color or national origin in Agency programs:

A. Submission of complaints.

1. Any person who believes that discrimination based on race, color or national origin exists has the right to file a complaint concerning that discrimination and may do so by submitting a complaint describing the nature and circumstances of the discriminatory act or condition.
2. Complaints must be filed within 180 days after the alleged discrimination, unless the time for filing is extended by a responsible Agency official.
3. All complaints must be in writing. Assistance will be provided by Agency personnel as necessary to anyone preparing to file a complaint.
4. The identity of complainants will be kept confidential except to the extent necessary to the conduct of any investigation, hearing or judicial proceeding.
5. A complaint may be filed with the Agency or with the Office for Civil Rights.

6. Posters will be displayed on all bulletin boards and other prominent places where they may be seen by the public stating the right of any individual to complain when it is believed that discrimination based on race, color or national origin exists in the Agency and giving the address of the individual on the Agency level and the address of the BIRM Office for Civil Rights to which complaints may be addressed.

B. Investigation of complaints

1. All complaints will be promptly acknowledged and the complainant advised that action is being taken to investigate the matter involved.
2. The Civil Rights Coordinator will direct the prompt investigation of each complaint received with reports being returned to his office.
3. The complaint investigation will include but not be limited to the following:
 - (a) Interviewing the complainant to get all details of the complaint.
 - (b) Interviewing community leaders, representatives of local civil rights groups, and others who would be in a position to provide further information.
 - (c) Visiting any facility or portion of facility complained against, interviewing department heads and other employees concerning the complaint, and touring.